

# **EXHIBIT 10**

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

PRESENT: HON. LYLE E. FRANK PART 11M

Justice

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THE IDEAL SUPPLY COMPANY, INDIVIDUALLY AND ON  
BEHALF OF ALL LIENORS, CLAIMANTS AND  
CREDITORS SIMILARLY SITUATED ENTITLED TO  
SHARE FUNDS RECEIVED BY FAHRENHEIT  
MECHANICAL INC., UNDER ARTICLE 3-A OF THE NEW  
YORK STATE LIEN LAW,

INDEX NO. 152298/2021

MOTION DATE 04/12/2022

MOTION SEQ. NO. 001

Plaintiff,

- v -

DECISION + ORDER ON  
MOTION

FAHRENHEIT MECHANICAL LLC, DAVID RUSI,  
CONTINENTAL CASUALTY COMPANY, FAHRENHEIT  
MECHANICAL INC., JANE DOE

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 17, 18, 19, 20, 21,  
22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41  
were read on this motion to/for SUMMARY JUDGMENT(AFTER JOINDER.

Upon the foregoing documents, plaintiff has established its *prima facie* entitlement to  
judgment as a matter of law. This action arises out of an alleged breach of contract. In support of  
its motion, plaintiff has submitted the affidavit of Tracey Bates, the President of plaintiff and the  
subject invoices. Accordingly, it is hereby


ORDERED that plaintiff's motion for summary judgment is granted without opposition;  
and it is further

ORDERED that the clerk of the court is directed to enter judgment in favor of plaintiff as  
against defendants, Fahrenheit Mechanical Inc. and Fahrenheit Mechanical LLC, on the First,  
Second, Fifth, Sixth, and Seventh Causes of Action for breach of contract in the amount of  
\$194,223.73 plus statutory interest calculated through March 21, 2022 pursuant to GBL § 567-b

thereon in the amount of \$34,532.89, for a combined sum of \$228,756.62, together with an award of costs and disbursements as calculated by the clerk of the court; and it is further

ORDERED that plaintiff’s motion is granted and the answer of defendant, David Rusi, is stricken unless, within 30 days from service of a copy of this order with notice of entry, defendant David Rusi responds to Plaintiff’s Demand for Bill of Particulars, Demand for Discovery and Inspection, and First Set of Interrogatories,; and it is further

ORDERED that, counsel shall appear for a preliminary conference via Microsoft Teams, link to be provided by the Court, on June 14, 2022 at 11:30am.

<u>4/25/2022</u>			
DATE		LYLE E. FRANK, J.S.C.	
CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/> GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	<input type="checkbox"/> DENIED	<input type="checkbox"/> OTHER
	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT
			<input type="checkbox"/> REFERENCE